

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MIRCEA BLAGA,

Plaintiff,

v.

SEABULK TANKERS, INC., and
SEABULK INTERNATIONAL, INC.

Defendants.

) AT LAW & IN ADMIRALTY

) Case No.:

) SEAMAN'S COMPLAINT FOR
) DAMAGES FOR PERSONAL
) INJURIES, MAINTENANCE, CURE
) AND WAGES

) JURY DEMAND

Plaintiff alleges:

FIRST CLAIM

1. Plaintiff, Mircea Blaga, is a seaman and brings this action pursuant to the provisions of 28 U.S.C. §1916 without prepayment of fees, costs or deposit of security.

2. This court has jurisdiction pursuant to §33 of the Merchant Marine Act of 1920, now codified as 46 U.S.C. §30104 et. seq., commonly known as the Jones Act, 28 U.S.C. §1333 and general maritime law of the United States.

1 3. Plaintiff is a U.S. citizen presently residing in Moses Lake,
2 Washington. At all times of his employment with defendant Seabulk Tankers,
3 Inc. and/or Seabulk International, Inc., plaintiff resided in Bellingham,
4 Washington, within the Western District of Washington.

5 4. Plaintiff alleges upon information and belief that at all times
6 mentioned herein, defendant Seabulk Tankers, Inc. was and now is a Delaware
7 corporation organized and existing according to law, and doing business in the
8 Western District of Washington, within this district.

9 5. Plaintiff alleges upon information and belief that at all times
10 mentioned herein, defendant Seabulk International, Inc. was and now is a
11 Delaware corporation organized and existing according to law, and doing
12 business in the Western District of Washington, within this district.

13 6. Plaintiff alleges upon information and belief that at all times
14 mentioned herein, defendant Seabulk Tankers, Inc. was a subsidiary of
15 defendant Seabulk International, Inc.

16 7. At all times mentioned herein, the M/V EOT SPAR, Official
17 No. 1097317, was a U.S. flag fishing vessel operating upon navigable waters of
18 the United States and high seas.

19 8. Plaintiff alleges upon information and belief that at all times
20 mentioned herein the said M/V EOT SPAR was manned, operated, maintained
21 and controlled by defendant Seabulk Tankers, Inc. and/or defendant Seabulk
22 International, Inc.
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1 9. Plaintiff alleges upon information and belief, that at all times
2 mentioned herein, plaintiff was in the employ of defendant Seabulk Tankers, Inc.
3 and/or Seabulk International, Inc., as a seaman and member of the crew in the
4 service of the M/V EOT SPAR.

5 10. Plaintiff alleges upon information and belief, that on or about
6 January 8, 2010, while plaintiff was engaged in the course of his duties in the
7 service of said vessel, defendant was negligent in, among other things, causing,
8 allowing, and permitting the said vessel and her appurtenances to be operated in
9 such a manner as to unreasonably endanger plaintiff's safety; causing, allowing,
10 and permitting the vessel and her appurtenances to be in a dangerous, defective
11 and hazardous condition; failing to warn plaintiff of impending dangers; failing to
12 provide a seaworthy vessel and a safe method of operation; failing to provide
13 plaintiff with a safe place in which to work; failing to promulgate and enforce
14 proper and safe rules of seamanship in the supervision and conduct of the work;
15 failing to provide plaintiff with a safe place to work; failure to correct known
16 dangerous conditions; failing to provide sufficient and competent officers and co-
17 employees; failing to supply proper gear and equipment, and to inspect and
18 maintain the same in proper order; and otherwise acted so negligently as to
19 cause and/or allow the doorway / pass through which plaintiff and other
20 crewmembers had to pass through during the course of their employment to be
21 at a height that was so low as to require plaintiff and other crew to have to duck
22 their head when going through the doorway / pass through, failed to have
23 protective padding on the top of the doorway / pass through so that plaintiff
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1 struck his head on the metal top of the doorway / pass through when he was
2 walking through the doorway / pass through, causing injury to plaintiff's head and
3 body.

4 11. As a result of said incident, plaintiff was hurt and injured in his
5 health, strength, and activity, sustaining injury to his body and shock and injury to
6 his nervous system and person, all of which said injuries have caused and
7 continue to cause plaintiff great mental, physical and nervous pain and suffering,
8 and plaintiff alleges upon information and belief that said injuries will result in
9 some permanent disability to plaintiff, all to his general damage according to
10 proof.

12 12. As a further result of said incident, plaintiff was required to and did
13 employ physicians and other health care providers for medical examination, care
14 and treatment of said injuries, and plaintiff alleges upon information and belief
15 that he may require such services in the future. The cost and reasonable value
16 of the health care services received and to be received by plaintiff is presently
17 unknown to him, and plaintiff prays leave to insert the elements of damages in
18 this respect when the same are finally determined.

19 13. As a further result of said incident, plaintiff has suffered and will
20 continue in the future to suffer loss of income in a presently unascertained sum,
21 and plaintiff prays leave to insert the elements of damage in this respect when
22 the same are finally determined.
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24 **SECOND CLAIM**

1 14. Plaintiff realleges and incorporates herein by reference paragraphs
2 1 through 13 of his First Claim hereinabove set forth.

3 15. On or about January 8, 2010, while plaintiff was engaged in the
4 course of his duties in the service of said vessel, the M/V EOT SPAR was
5 unseaworthy in that, among other things, said vessel and her appurtenances
6 were being operated in such a manner as to unreasonably endanger plaintiff's
7 safety; said vessel and her appurtenances were in a dangerous, defective and
8 hazardous condition; the place where plaintiff was required to work was unsafe;
9 sufficient and competent officers and co-employees were lacking; sufficient gear
10 and equipment in proper working order were lacking; work in progress was being
11 conducted by unsafe methods without sufficient and properly trained personnel
12 and without adequate supervision; and the said vessel was otherwise so
13 unseaworthy as to cause and/or allow the doorway / pass through which plaintiff
14 and other crewmembers had to pass through during the course of their
15 employment to be at a height that was so low as to require plaintiff and other
16 crew to have to duck their head when going through the doorway / pass through,
17 failed to have protective padding on the top of the doorway / pass through so that
18 plaintiff struck his head on the metal top of the doorway / pass through when he
19 was walking through the doorway / pass through, causing injury to plaintiff's head
20 and body.
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23 **THIRD CLAIM**

24 16. Plaintiff realleges and incorporates herein by reference paragraphs
25 1 through 15 of his First and Second Claims hereinabove set forth.

1 17. On or about January 8, 2010, plaintiff became injured and disabled
2 while in the service of the vessel.

3 18. Upon plaintiff's becoming injured and disabled as aforesaid, it
4 became the duty of defendant to pay to plaintiff the expenses of his maintenance
5 and cure, as well as his wages to the end of the period of employment for which
6 plaintiff was engaged, but defendant failed and neglected to make full payment
7 thereof, despite knowledge of plaintiff's continuing disability.

8 19. By reason of the premises, plaintiff has been damaged in sums
9 according to proof for maintenance and cure and unearned wages, and
10 compensatory damages, the precise amounts of which are presently
11 unascertained, and plaintiff prays leave to insert the elements of damages in this
12 respect when the same are finally determined.

13 20. By reason of said neglect, plaintiff was obliged to engage the
14 services of counsel and has incurred and will continue to incur attorneys' fees
15 and expenses for which plaintiff is entitled to recover.

16 WHEREFORE, plaintiff prays judgment against defendant as follows:

- 17 1. For his general damages according to proof;
18 2. For all expenses for health care providers according to proof;
19 3. For all loss of income past and future according to proof;
20 4. For maintenance, cure and unearned wages according to proof;
21 5. For reasonable attorneys' fees and expenses;
22 6. For prejudgment interest according to general maritime law;
23 7. For plaintiff's costs of suit incurred herein; and
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1 8. For such other and further relief as the Court deems just.

2 DATED this 3rd day of January 2013.

3 LAW OFFICE OF DENNIS P. MURPHY, LLC

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5 DENNIS P. MURPHY, WSBA #18645
6 Attorney for Plaintiff

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8 JURY DEMAND

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10 Plaintiff demands a trial by jury on all issues in this cause.

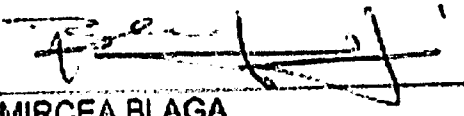
VERIFICATION

I, Mircea Blaga, under penalty of perjury under the laws of the United States, declare as follows:

1. That I am a resident of the State of Washington, and at all times mentioned herein have been a citizen of the United States, and over the age of majority.
2. I have read the foregoing Complaint and the statements made therein are true to the best of my knowledge, information and belief.

Executed at Moses Lake, Washington, this 3rd day of January 2013.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.


MIRCEA BLAGA